

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Steven J. Roy

v.

Civil No. 12-cv-303-JD

William Wrenn, et al.

O R D E R

Steven J. Roy, proceeding pro se, filed a civil rights action against the New Hampshire Department of Corrections, Commissioner William Wrenn, New Hampshire State Prison Warden Richard Gerry, and New Hampshire State Prison Major Jon Fouts. Roy also sought a preliminary injunction and "extraordinary handling of enclosed pleadings." The magistrate judge issued a report and recommendation to deny the motion for a preliminary injunction. The magistrate also issued a report and recommendation on preliminary review, 28 U.S.C. §§ 1915(e)(2) and 1915A, to dismiss the action and to deny the motion for extraordinary handling. Roy did not file an objection to either report and recommendation.¹

"Given adequate notice, 'a party's failure to assert a specific objection to a report and recommendation irretrievably

¹Roy moved for reconsideration of the report and recommendation to deny his motion for a preliminary injunction, which was denied by the magistrate judge.

waives any right to review by the district court and the court of appeals.'" Corets-Rivera v. Dep't of Corrs. & Rehab. of P.R., 626 F.3d 21, 27 (1st Cir. 2010) (quoting Santiago v. Canon U.S.A., Inc., 138 F.3d 1, 4 (1st Cir. 1998)). In the conclusion section of each report and recommendation, the magistrate judge informed Roy that any objection was due within fourteen days and that failure to file an objection within the time allowed would waive review by the district court and court of appeals. Therefore, Roy was given adequate notice that a failure to object to the reports and recommendations would result in waiver and has waived review of the reports and recommendations.

Conclusion

For the foregoing reasons, the report and recommendation (document no. 10) to deny the plaintiff's motion for a preliminary injunction (document no. 3) and the report and recommendation (document no. 19) to dismiss the action and to deny the motion for extraordinary handling (document no. 4) are approved and adopted. The motion for a preliminary injunction (document no. 3) and the motion for extraordinary handling (document no. 4) are denied.

The federal claims are dismissed, and the court declines to exercise supplemental jurisdiction over the state law claims.
28 U.S.C. § 1367(c)(3).

The clerk of court shall enter judgment accordingly and close the case.

SO ORDERED.



Joseph A. DiClerico, Jr.
United States District Judge

January 29, 2013

cc: Steven J. Roy #68033